



EFSEC

**Washington State
Energy Facility
Site Evaluation
Council**

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Information Update for the Proposed Sumas 2 Generation Facility

In January 1999, the Washington State Energy Facility Site Evaluation Council (EFSEC) received an application from Sumas Energy 2, Inc. to construct and operate the Sumas 2 Generation Facility (S2GF), a natural gas-fired 660-megawatt (MW) combustion turbine project proposed for Sumas, Washington. The project also includes a proposed 4.5 mile natural gas pipeline, and 5.9 mile transmission line to the Canadian electric grid in Abbotsford, British Columbia. EFSEC is the state agency with jurisdiction for siting and regulating thermal generation facilities that exceed 250 megawatts. EFSEC has taken lead agency status pursuant to its rules and the State Environmental Policy Act (SEPA).

Application Review & Environmental Impact Statement:

To ensure that the information considered in the Project Application was complete and objective, EFSEC's independent consultants, Jones & Stokes, reviewed this document and submitted their findings to EFSEC in April 1999. Due to concerns about visibility, power transmission, and various concerns raised by US and Canadian citizens and agencies, EFSEC decided to prepare an ***Environmental Impact Statement*** (EIS) on the project.

After inviting state and federal agencies and the public to EIS scoping meetings, EFSEC completed scoping in October 1999.

In January 2000 the applicant submitted a ***revised application*** to the Council to address the questions and comments raised by the application review and EIS scoping comments, and to present changes to the project and impacts resulting from design modifications. The DEIS is scheduled for release in March 2000. Copies of the application are available at the Bellingham, Everson, Lynden and Sumas Libraries, as well as at EFSEC's web site: <http://www.efsec.wa.gov/>.

What about the alternative transmission route through Whatcom County?

Although the potential transmission line improvements are not proposed by the applicant and will not be in the application, they are related closely enough to the proposed action to fall under the required contents of environmental review and will be included in this DEIS.

Once released, the DEIS will be open for public comment for a period of 30 days, through official notice and public hearings. The Final EIS will be completed in the spring or summer of 2000 after the public hearings have been held.

Adjudication: Intervention

In addition to the development of an EIS through the State Environmental Policy Act, EFSEC's certification process calls for the Council to hold formal hearings on the proposed project to allow the applicant and opponents to present information to support their cases. These trial-like hearings will be conducted as "Adjudicative Proceedings" according to RCW Chapter 34.05. These provisions emphasize the right of all parties to a fair hearing, and the requirement for legal due process in the administration of the hearing.

Interested persons, tribes, groups, or local, state, or federal agencies may petition the Council to become ***intervenors*** in the proceedings. Participants who request legal status as intervenors have the opportunity to call expert witnesses, examine and cross-examine witnesses, and join all aspects of the legal process. Intervener status is granted by EFSEC to organizations likely to be affected by impacts of the energy facility's siting, e.g., cities, counties, school districts, Indian Tribes, and public or environmental groups. Another participant is the ***Counsel for the Environment***, a state

How can I make my views about the project known to the Council without becoming an intervenor?

- ☑ Written comments on the DEIS will be accepted by EFSEC for a period of 30 days after the DEIS is issued.
- ☑ Oral comments on the DEIS will be accepted by EFSEC at a public meeting to be held in the vicinity of the project site. (date to be announced)
- ☑ Public comments will be accepted by the Council at a public testimony session of the adjudicative hearings to be scheduled in the vicinity of the project site (date to be announced).
- ☑ The public can contact **Mary Barrett**, Counsel for the Environment at any time during EFSEC's review of the project. ***See Contact Information on other side.***
- ☑ Comments can be sent directly to EFSEC - these will be shared with the Counsel for the Environment.

appointed Assistant Attorney General whose role in the hearings is to represent the broad interests of all Washington citizens and their interest in protecting the quality of the environment.

The deadline for submitting requests for intervention will coincide with the deadline for submitting comments to the Draft Environmental Impact Statement. Currently the exact date for issuance of the Draft Environmental Impact Statement is unknown, but it is anticipated it will be issued during March 2000. The comment period for the Draft Environmental Impact Statement will be thirty (30) days from the date it is issued. A Notice of Deadline for submitting Petitions for Intervention will be issued at a later date.

Adjudicative Hearings

The extensive adjudicative hearings cover all project impacts, including environmental, socioeconomic, and public safety concerns. Through examination and cross-examination by the Applicant, Interveners, Counsel for the Environment, and EFSEC members themselves, each potential impact is examined in great detail. It is recommended that parties and interveners have legal counsel represent them during the hearings.

The testimony and exhibits introduced during these proceedings are the basis for the record the Council refers to when determining whether to recommend project approval or disapproval to the Governor. Information from these proceedings is also used to determine conditions for construction and operation of the project. The applicant must meet these conditions if the Governor approves the project.

Council Considerations

After the close of the hearings, EFSEC members study the record at length. They carefully weigh all the evidence before them, and then recommend to the Governor whether to approve or deny the project application. If Council finds the project should proceed, it will recommend to the Governor to approve the project. The Council will develop a Site Certification Agreement (SCA) to be signed by the Governor. The SCA has all of the environmental, social, economic, and engineering conditions the applicant must meet for construction and operation throughout the life of the project. If Council finds the project will have significant impacts that cannot be mitigated, or it is not in the best interest of the state, it will recommend to the Governor to deny the project.

The Governor has 60 days to consider the Council's recommendation and can take one of the following actions:

1. Approve the Council recommendation and execute the draft SCA
2. Reject the application
3. Direct the Council to reconsider certain aspects of the project and draft SCA

For Additional Information & Comments to the Counsel for the Environment:

- ☒ For questions about EFSEC's review and the Sumas 2 Generation Facility Application:

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- ☒ Comments about the project should be sent to the **Counsel for the Environment**:

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Air and Water Discharge Permits

In tandem with the adjudicative proceedings, the Council has initiated its process for developing air and water discharge permits. S2GF is required to apply for a Prevention of Significant Deterioration (PSD) permit for discharges into the air. Additional public hearings will be scheduled in conjunction with the adjudicative hearings for developing the conditions to be set in the PSD permit.

Schedule

The ultimate schedule and approval of the project is linked to the outcome of the EIS, the Adjudicative Proceedings, as well as permit decisions by federal agencies, and agencies of the Canadian government. Other issues may arise which could affect the schedule as well. EFSEC expects to issue the DEIS in March 2000. Adjudicative hearings would be scheduled for May or June, 2000. A recommendation would be transmitted for consideration to the Governor in August 2000 at the earliest.

Copies of the Sumas 2 Generation Facility Revised Application are available at:

Whatcom County Library System (360-384-3150):

- Bellingham Library
- Lynden Library
- Everson Library
- Sumas Library

EFSEC's web site: <http://www.efsec.wa.gov/>